

# STATE OF NEBRASKA

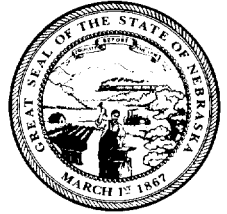
DEPARTMENT OF MOTOR VEHICLES  
**Beverly Neth**  
Director

July 3, 2003

U.S. Department of Transportation  
Docket Management System  
400 Seventh Street, S.W., Room Plaza 401  
Washington, D.C. 20590-0001

DEPT. OF TRANSPORTATION  
DOCKETS

2003 JUL -7 A 10: 07



**Mike Johanns**  
Governor

Re: Docket Number TSA-2003-14610  
Docket Number FMCSA-2001-11117

Dear Sir or Madam:

Comments from the Nebraska Department of Motor Vehicles regarding the above dockets were previously sent on May 28 and May 30, 2003. Please see attached correspondence for your reference.

After further discussion with our driver licensing partners in other States and with law enforcement officials in Nebraska, we are reiterating the need for an amendment to be filed to extend the implementation date. We recommend that this date be extended to allow time for TSA and FMCSA to develop well-thought-out system specifications and credentialing procedures and for Nebraska to enact appropriate legislation. Nebraska schedules legislative sessions to begin each January. Legislation may only be introduced the first ten days of each session. We estimate that we would need at least one year after legislation passes to effectively implement these requirements.

Our May 30, 2003 letter to you asked for clarification on a number of issues. These same questions were sent to TSA via email on May 27, 2003 and we have yet to receive answers to our questions. We hope that these questions assist you in understanding how many unanswered issues there are that must be addressed by TSA and FMCSA prior to implementation.

The following issues have been identified since comments were sent to you in May. We ask your consideration in including them as part of Nebraska's comments.

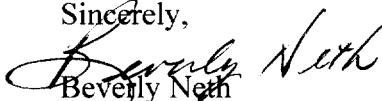
1. Specific guidance must be provided to the States on how the processes will work (fingerprinting and background check, sending the hazmat application to TSA, the use of Commercial Driver License Information System (CDLIS), receipt of the Security Threat Assessment results, etc.) We would encourage these processes to be handled electronically by all entities to ensure a more secure environment.
2. Currently, when the Nebraska State Patrol conducts a background check on individuals, in some cases they are privy to court cases that are not on criminal history. Without the inclusion of this information to the FBI, which is not provided by the State Patrol to the FBI under the present system, the final results of the Security Threat Assessment may not be complete. We request guidance on whether information in court cases not in the criminal history should be forwarded to the FBI and how that should occur.

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3. The term of a Nebraska Commercial Driver License is five years. The statutory language states that the CDL expires in the fifth year after issuance on the individual's birth date. In some instances, if the applicant's birthday falls at the end of the year, but they renew in the next year, the CDL is valid for almost six years. We request an exemption to this requirement in the Rule for these exceptions. Without an exception, the State will face extensive programming costs to our Interactive Driver License and Driver License Issuance systems.
4. With the addition of the new language to the definition of a commercial motor vehicle in the Rule, we are asking your consideration in requiring individuals who transport "any quantity of a material listed as a select agent or toxin in 42 CFR part 72" to be placarded. We feel it would be confusing both to applicants and staff should the vehicle not be required to be placarded and the driver still need the hazmat endorsement.
5. The Rule requires that a security threat assessment be done each time the applicant applies for an initial, transfer, renewal or upgrade CDL. We recommend that the results of the security threat assessment be posted on CDLIS and that a new security check only be done when five years have elapsed, no matter which State initiated the check.
6. The Rule requires that applicants drop their hazmat endorsement beginning on September 2, 2003 within 24 hours if they are not eligible for it. We recommend that this timeframe be lengthened to allow for station closings on weekends and holidays.
7. We recommend that the TSA notify DMV and the applicants when they are not a security threat so they know when to return to DMV to have the hazmat endorsement added. The requirement to have DMV notify the applicants will increase the time before the applicant has a valid CDL with the hazmat endorsement on it and will negatively affect the trucking industry.
8. Additional grant money needs to be available for the States to effectively implement these requirements, once specifically defined. Nebraska has applied for and received a grant for this purpose through the Federal Motor Carrier Safety Administration, but feel we have underestimated our needs based on the Rules published May 5, 2003.

Thank you for your consideration of these matters. If you have questions, please contact me.

Sincerely,

  
Beverly Neth  
Director

Cc: Dave Heineman – Lt. Governor  
Representative Douglas Bereuter  
Representative Lee Terry  
Representative Tom Osborne  
Senator Chuck Hagel  
Senator E. Benjamin Nelson  
Colonel Tom Nesbitt – Nebraska State Patrol  
Mike Hybl – Nebraska Trucking Association

Attachments